IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1183 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	: Court's or Judge's Orders

Shri S.S.Pednekar, A.P.P. for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the prosecution impugning a judgment and order passed by the Special Judge, Pune on 23.06.2004 acquitting the accused for the offences punishable under sections 13(1)(e) read with section 13(2) of the Prevention of Corruption Act, 1988. On perusal of the impugned judgment and order, it appears that the same has been

passed on cogent and acceptable reasons. Value of the alleged disproportionate assets was Rs.5,25,692/-. In paragraph 17 of the judgment, Judge has concluded that the total income calculated by the prosecution was incorrect. Income from the wine shop was not taken into account and cash amount of Rs.58,000/- which was found was proved to be belonging to somebody else. Finding is that if this proved income was taken into account then the calculated income will be more than the alleged disproportionate assets.

2. In the circumstances, view taken is a possible view. Hence, leave is refused and consequently, the Appeal stands dismissed.

(R.S.Mohite, J.)